

EDNA V. POSSIEN,

Complainant,

vs.

STATON G. POSSIEN,

Respondent.

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_  
Testimony of Edna V. Possien and Laurie B. Allen, Request for  
Decree in Vacation,

and in behalf of Defendant upon Answer and Waiver.

*R. S. Duck*

Register.



EDNA V. POSSIEN  
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E Q U I T Y  
CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

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The depositions of EDNA V. POSSIEN and LAURIE B. ALLEN, witnesses for Complainant in the above styled cause:

The said witnesses being by me first duly sworn upon examination by Elliott G. Rickarby, Esquire, solicitor for Complainant, testified as hereinafter set out before me the commissioner acting by agreement of parties at the time and place hereinafter set out, namely,

EDNA V. POSSIEN

I am the Complainant in this cause and am now and have been all of my life a bona fide resident of the State of Alabama, having been born and raised in Fairhope, but after my marriage lived for a while in Mobile but returned to Baldwin County something over two years ago. In July, 1922, Staton G. Possien and I were married and lived together in Mobile and in Fairhope up to the month of October, 1935, when we separated because of his treatment and behavior. In this time there have been born to us two daughters, June, age 13, and Anita, 9, both of whom live with me at Fairhope.

After a number of years our married life became unhappy, my husband was not only untrue to me but cruel. He has abused and struck me and from his treatment, threats and disposition it would be dangerous for me to continue to live with him. Some time prior to our separation he choked me and would have seriously injured me had he not been stopped by my sister who was living in the house and who stopped him. This sister is now dead. Later on he tried to jerk me out of a car and handled me so violently that it tore the heavy coat I was then wearing. Some friends who were with us at the time intervened and stopped him, and on both occasions had someone else not been present I am confident I would have been seriously hurt. He has a very violent and ungovernable temper and is unable to control himself when in a rage. After that time we parted and have since

lived separate and apart but I cannot live with him again. He is not only flagrantly untrue to me but seems to have lost all affection for me and from the way he has done in the past I am confident he would do me harm in one of his ungovernable rages. On another occasion when he was drinking, as he often did, he drove the car in which he, a girl friend of mine, and my two daughters were in so recklessly that he ran off the road into a telephone pole and was not only seriously injured himself but both my little girls and I were badly cut and bruised, my younger daughter having here back seriously wrenched. When he is intoxicated he does not know or care what he is doing and for that reason he is unsafe to live with.

LAURIE B. ALLEN

*Edna N. Possien*

I am a sister of the Complainant and have for a long time been aware of the cruel treatment that she was receiving from her husband when they lived together. I saw her shortly after Doctor Possien had choked her and her throat then bore the marks of his fingers. It was a day or two afterwards when I saw her but a Mrs. Young, who now has removed from here, saw her immediately afterward and told me how badly she looked. I know of my personal knowledge that Doctor Possien has been very ugly in his treatment of my sister, speaking to her in the most abusive and contemptuous way and neglecting her and the children. In addition to this, at times he drinks heavily and during one of his drunken spells he was driving the car with his wife and two little girls and a girl friend in it and ran off the road into a telephone pole, as the result of which accident both he and my sister were seriously injured, he being knocked unconscious and remained so until the next day and stayed in the hospital a long time. She had a bad head cut and the children had gashes, one on the eye and one on the arm. The little girl had her spine hurt. When he gets drunk he is utterly unreasonable and were my sister with him at such a time is apt to fly into a rage for no reason and seriously hurt her, so it will be dangerous for her health or possibly for her life to continue to live with him after the way he has treated her. I did not know of the accident nor of his trying to jerk her out of the car until about a week later when I learned of

it from the Youngs. Edna did not tell about such things but the family knew about it and were very glad when he and she parted. His behavior, both when sober and drunk, gave her a great deal of unhappiness and apprehension of serious injury at his hands.

Laurie B. Allen

CERTIFICATE

I, Lois Petersen, acting as Commissioner by agreement of parties in the above styled case hereby certify that I caused Mrs. Edna V. Possien and Mrs. Laurie B. Allen to appear before me in my office in Fairhope on the 11th day of March, 1937, where, after being duly sworn by me to tell the truth, upon examination by the Solicitor for the complainant, they testified as is herein set forth, that their testimony after having been reduced to writing was read over and signed by them in my presence.

I further certify that I am neither of counsel nor of kin to either party or in anywise interested in the results of the cause.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the ~~eleventh~~ day of March, 1937.

Lois Petersen (SEAL)  
Commissioner.

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This cause being submitted for final decree upon the pleadings and testimony of Complainant as noted by the Register and being considered, the Court is of the opinion that the Complainant is entitled to the relief prayed for in her bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony existing between Complainant and Respondent be, and the same are hereby dissolved and the Complainant, Edna V. Possien is forever divorced from the Respondent, Staton G. Possien, upon the ground of cruelty.

IT IS FURTHER ORDERED that Complainant have the sole care and custody of June and Anita, the minor children of said marriage, but subject to the right of Respondent to see said children at reasonable daylight hours.

WHEREAS the Respondent has waived the right to a reference to ascertain a suitable amount to be allowed Complainant as alimony and counsel fees in event of a decree of divorce and has agreed upon a proper sum for the purpose; IT IS FURTHER ORDERED that Respondent on or before the tenth day of each calendar month, commencing March, 1937, pay to Complainant for her maintenance and for the support and education of the minor children, the sum of Sixty Dollars per month and that he forthwith pay in addition thereto to Complainant the sum of Fifty Dollars as her counsel fees in this behalf expended. The Court reserves jurisdiction of this cause for the purpose of making such further orders in the premises as to alimony and custody of the children as may from time to time become necessary.

IT IS FURTHER ORDERED that neither party marry again except to the other within sixty days from the date of this decree and that should an appeal be taken neither party shall marry except to the other during the pendency of such appeal.

IT IS FURTHER ORDERED that the Respondent pay the costs of this proceeding for which execution may issue.

Done at Monroeville, Alabama, this the 12<sup>th</sup> day of March, Nineteen Hundred, Thirty-seven.

*J. W. Hare*

Judge.

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Comes STATON G. POSSIEN, respondent in above styled cause, and for answer to the bill of complaint says that he denies each allegation of same other than those as to age, residence, marriage of the parties and birth of children.

Respondent hereby waives service and notice of demand for the examination of complainant's witnesses, of the issue of commission to take testimony, of the time and place set for taking same, and of the right to introduce evidence in his own behalf.

He further waives the necessity of a reference to ascertain the amount of alimony and solicitors fees and agrees that should a divorce be rendered the decree thereon may embody an award of Fifty Dollars as counsel fees and the monthly payment of Sixty Dollars to complainant as permanent alimony during the minority of the children of the marriage.

He further agrees that this cause may be submitted for final decree at any time on the pleadings and complainant's evidence as noted by the Register.

*Staton G. Possien*  
Respondent.

Before me, the undersigned Notary, personally appeared Staton G. Possien, who acknowledged that he executed the foregoing answer with full knowledge of its contents.

Witness my hand this the *9th* day of March, 1937.

*A. C. Jayles*  
Notary Public, Mobile County, Alabama.



TO THE HONORABLE FRANCIS W. HARE

JUDGE OF CIRCUIT COURT, BALDWIN COUNTY, ALABAMA

SITTING IN EQUITY:

Comes EDNA V. POSSIEN and by this her bill of complaint presented against STATON G. POSSIEN, respectfully shows:

FIRST: That she and the defendant above named are both over the age of twenty-one years, are now and have been for more than five years next prior to this date bona fide residents of the State of Alabama, and for the last two years residents of Baldwin County. That they were married in July, 1922, and lived together as husband and wife up to the month of October, 1935, when they separated and have since said time lived continuously separate and apart without resumption of marital relations.

SECOND: That on several occasions during their married life defendant has struck and mistreated complainant and because of his treatment they were compelled to separate in the month of October, 1935, and because of defendant's bad temper and threats since that time complainant has reasonable apprehension to believe that to continue married relations with him would be at the danger of her health or life.

THIRD: That there has been born to this union two daughters, June, aged thirteen, and Anita, nine, who live with complainant in Fairhope.

FOURTH: The premises considered complainant prays that the said Staton G. Possien be made party defendant to this bill and by appropriate process be required to answer same within the time prescribed by law. Complainant further prays that suitable allowance be made to her from the estate of the defendant for the support and maintenance of their minor children and for her counsel fees in this cause, and that for the purpose of ascertaining same an order of reference be made forthwith to ascertain proper sums to be decreed for this purpose.

The complainant further prays that upon hearing of this cause a decree be rendered forever divorcing her from the said Staton

G. Possien, granting her the right to marry again should she so desire, the custody of the children of said marriage, a reasonable sum to be paid monthly for her support and the payment of the counsel fees incurred by her together with such other, further or different relief as to equity may seem mete.

*Clara S. P. P. P.*  
Solicitor for Complainant.

RECORDED

*Duck*

*7-42*

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B I L L

*Filed March 6 1939*  
*Richardson*  
*Requies*

ELLIOTT G. RICKAREY  
Solicitor for  
Complainant

March 12, 1937

RECEIVED from Robert S. Duck, Register

Three and no/100----- Dollars

For Commissioner's fee.

\$ 3.00 *Lois Peterson*